

Attorney Docket No.: **BERN0073US.NP**  
Inventors: **Eric F. Bernstein**  
Serial No.: **10/541,348**  
Filing Date: **September 26, 2005**  
Page 3

#### **REMARKS**

Claim 1 is pending in the instant application. Claim 1 has been rejected. Claim 1 has been amended. Support for this amendment is provided in the specification at, for example, page 4. No new matter is added. Reconsideration is respectfully requested in light of these amendments and the following remarks.

#### **I. Rejection to Claim 1 under 35 U.S.C. 112, first paragraph**

Claim 1 has been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner suggests that the specification does not provide adequate written description as to which nitroxide containing compounds or polyhydroxy acid containing compounds would be useful for the method of treating glaucoma.

Accordingly, in an earnest effort to advance the prosecution of this case and in accordance with the written description set forth at page 4 of the instant application, claim 1 has been amended to recite a method for treatment of glaucoma comprising administering to a patient suffering from glaucoma a stable nitroxide free radical.

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Page 4

Withdrawal of this rejection under 35 U.S.C. 112, first paragraph for lack of written description is respectfully requested.

## **II. Rejections of Claim 1 under 35 U.S.C. 102(b)**

Claim 1 has been rejected under 35 U.S.C. 102(b) as being anticipated by Wolf et al. (U.S. Patent 4,470,965). The Examiner suggests that Wolf et al. teaches a method of treating glaucoma comprising administering a preparation comprising celiprolol hydrochloride and a buffer including citric acid (polyhydroxy acid).

Claim 1 has also been rejected under 35 U.S.C. 102(b) as being anticipated by Ko et al. (The Combined Effect of Brain-Derived Neurotrophic Factor and a Free Radical Scavenger in Experimental Glaucoma). The Examiner suggests that Ko et al. teaches a method of treating glaucoma comprising administering BDNF and the free radical scavenger S-PBN, a polyhydroxy acid.

However, as discussed in Section I, supra, claim 1 has been amended to recite a method for treatment of glaucoma comprising administering to a patient suffering from glaucoma a stable nitroxide free radical.

As neither of the cited references teach treatment of glaucoma via administration of a stable nitroxide free

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Page 5

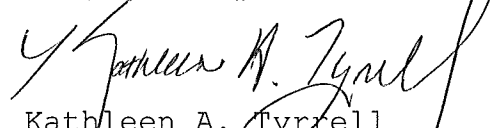
radical, these references cannot anticipate the instant  
claimed invention.

Withdrawal of these rejections under 35 U.S.C. 102(b)  
is therefore respectfully requested.

### **III. Conclusion**

Applicant believes that the foregoing comprises a full  
and complete response to the Office Action of record.  
Accordingly, favorable reconsideration and subsequent  
allowance of the pending claims is earnestly solicited.

Respectfully submitted,

  
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Date: **February 4, 2010**

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